UNITED STATES BANKRUPTCY COURT DISTRICT OF PUERTO RICO

IN RE:			
	CASE NO	. 10-04433-BKT	
EMANUEL VELEZ MALDONADO			
CHARLOTTE CABRERA SEMIDEY			
	CHAPTER	13	
DEBTOR (S)			

TRUSTEE'S MOTION TO DISMISS

TO THE HONORABLE COURT:

Comes now Alejandro Oliveras Rivera, Chapter 13 Trustee and respectfully states and prays:

- 1. The meeting of creditors was held on <u>July 8, 2010</u>. The current proposed plan is dated <u>May 24, 2010</u>.
- 2. Debtor(s) failed to comply with the Trustee's requirement to:
 - a. Amend Schedule(s):
 - b. Address issues raised at Meeting of Creditors.
 - c. Amend Plan
 - d. Make current payments. Paid out of (\$ in arrears).
 - e. 🛛 Submit the complete documents requested.
- No extension of time or justification for failing to comply with the above has been filed.
- 4. Debtor(s) is(are) not a member(s) of the U.S. Armed Forces, the Coast Guard, the Public Health Service or the National Oceanic and Atmospheric Administration, as evidenced by the Certificate issued by the U.S. Department of Defense, copy of which is attached only to the original of this motion and movant's copy.

WHEREFORE, for the reasons stated above it is respectfully requested from the Court to enter an order dismissing the present case pursuant to 11 U.S.C \$521 AND \$1325(a)(6).

30 DAY NOTICE TO ALL CREDITORS AND PARTIES IN INTEREST: You are hereby notified that you have thirty (30) days from the date of this notice to file and opposition to the foregoing motion and to request a hearing. If no opposition is filed within the prescribed period of time, the Trustee's Motion will be deemed unopposed and may be granted without further hearing unless (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the Court, the interest of justice requires otherwise. If a timely opposition is filed, the Court will schedule a hearing as a contested matter.

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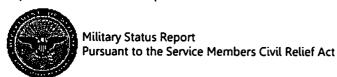
CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed the above document with the Clerk of the Court using the CM/ECF System which sent a notification of such filing to all those who in this case have registered for receipt of notice by electronic mail. I further certify that I have served to the U.S. Trustee, <u>ustpregion21.hr.ecf@usdoj.gov</u> and by depositing true and exact copies thereof in the United States Mail, postage prepaid, to the non CM/ECF participants: debtor(s) and parties in interest that have filed a notices of appearance included in the address list attached to the original and the Trustee's copy on file.

RESPECTFULLY SUBMITTED in San Juan, Puerto Rico this, July 21, 2010.

/s/ Alejandro Oliveras Rivera
ALEJANDRO OLIVERAS RIVERA
CHAPTER 13 TRUSTEE
P.O. Box 9024062
San Juan, PR 00902-4062
Tel. 977-3500 Fax 977-3521

Department of Defense Manpower Data Center

Jul-21-2010 08:55:09



≺ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency	
VELEZ MALDONADO		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.				

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary Mr. Anavely-Dison

Mary M. Snavely-Dixon, Director

Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400

Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL http://www.defenselink.mil/faq/pis/PC095LDR.html. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

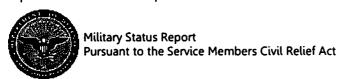
Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

Report ID:K2P73HQ9MG

Department of Defense Manpower Data Center

Jul-21-2010 08:55:46



≺ Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency		
CABRERA SEMIDEY		Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.					

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary Mr. Lnavely-Dison

Mary M. Snavely-Dixon, Director Department of Defense - Manpower Data Center 1600 Wilson Blvd., Suite 400 Arlington, VA 22209-2593

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Report ID:HKO4JF7KS9

10-04433-BKT CERTIFICATE OF MAILING The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail or electronically sent to the parties listed below: JIMENEZ QUINONES LAW OFFICES* AT&T MOBILITY THE HATO REY CENTER PO BOX 15067 268 PONCE DE LEON AVE STE 1118 SAN JUAN, PR 00902 -8567 SAN JUAN, PR 00918 **BELL, LLC** 1411 N WESTSHORE BLVD STE 100 **DEPT. 23022** TAMPA, FL 33607 P.O. BOX 1259 OAKS, PA 19456 CITIBANK SD / SEARS PRA RECEIVABLES MANAGEMENT LLC 8725 W SAHARA AVE MC02-02-03 AS AGENT PORTFOLIO RECOVERY ASSOCIATES THE LAKES, NV 89163 -7802 PO BOX 41067 NORFOLK, VA 23541 **GE MONEY BANK** FRANCISCO FERNANDEZ CHIQUES, ESQ. PO BOX 960061 USDC NUMBER 215803 P.O. BOX 9749 ORLANDO, FL 32896 -0061 SAN JUAN, PR 00908 MIDWEST SERVICING, INC PO BOX 981400 230 CROSSKEYS OFFICE PARK FAIRPORT, NY 14450 EL PASO, TX 79998 NCO FINANCIAL PORTFOLIO RECOVERY ASSOCIATES, LLC PO BOX 13584 129 CORPORATE BLVD STE 100 PHILADELPHIA, PA 19101 NORFOLK, VA 23502 RESURGENT ACQUISITION LLC PO BOX 12914 RESURGENT CAPITAL SERVICES, LP NORFOLK, VA 23541 PO BOX 10587 GREENVILLE, SC 29603 -0587 SECURITY CREDIT SERVICES LLC VALENTINE & KEBARTAS, INC. 2323 W OXFORD LOOP P.O. BOX 325 LAWRENCE, MA 01842 OXFORD, MS 38655

PRAMCO CV9 LLC

230 CROSSKEYS OFFICE PARK

FAIRPORT, NY 14450

RG MORTGAGE AS SERVICING AGENT FOR SCOTIA B/

C/O WALLACE VAZQUEZ SANABRIA 17 MEXICO STREET SUITE D 1

SAN JUAN, PR 00917 -2202

DATED: July 21, 2010

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- CASE

10-04433-BKT

S/DIANA ARROYO OFFICE OF THE CHAPTER 13 TRUSTEE

CERTIFICATE OF MAILING

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail or electronically sent to the parties listed below:

BANCO BILBAO VIZCAYA C/O ENRIQUE NASSAR RIZEK PO BOX 191017 SAN JUAN, PR 00919 -1017

EMANUEL VELEZ MALDONADO and CHARLOTTE CABRERA SEMIDEY URB METROPOLIS 2G18A CALLE 35 CAROLINA, PR 00987

DATED: July 21, 2010

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S/DIANA ARROYO
OFFICE OF THE CHAPTER 13 TRUSTEE